

Reges v. Cauce, et al.

Exhibit G
to Declaration of
Gabriel Walters

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

STUART REGES,)	No.
)	
Plaintiff,)	2:22-cv-00964-JHC
)	
vs.)	
)	
ANA MARI CAUCE, et al.,)	
)	
Defendants.)	

Videotaped
Deposition Upon Oral Examination Of
MAGDALENA BALAZINSKA

June 19, 2023
401 Union Street, Suite 3300, Seattle, Washington
Magna Legal Services
(866) 624-6221
www.MagnaLS.com

REPORTED BY: PEGGY FRITSCHY HAMILTON, RPR, CSR, CLR,
29906/No. 2704

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11

12 E X A M I N A T I O N

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15

16 ***** (* Denotes phonetic spelling.)

17

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1 (Exhibit 1 marked.)

2 (Discussion off record.)

3 Q. So can you turn to the second page.

4 A. Okay.

5 Q. Are you familiar with this document?

6 A. I have looked at this document before.

7 Q. And what is it?

8 A. I mean, this document looks like the best
9 practices for inclusive teaching.

10 Q. At the top it says it was last updated
11 September 2020; is that right?

12 A. That's what it says.

13 Q. Can you turn to the second page -- excuse me.
14 Actually, before doing that. Do you see where it
15 says, "Course planning and management" --

16 A. Yes.

17 Q. -- on the first page?

18 A. Um-hum.

19 Q. And below that, just below that, what does
20 that first bullet say?

21 A. "The following can make a course syllabus
22 more inclusive."

23 Q. And then going to the next page, that list of
24 bullets that can make a course more inclusive, it
25 includes a bullet that says, "An indigenous land

1 in their syllabi?

2 ATTORNEY HOSP: Object to the form.

3 A. It's posted on the website.

4 Q. Going back to -- I should have mentioned.

5 This document is labeled Bates-stamped

6 "UW_Reges_000165."

7 If you go to page 0001617, where it says,

8 "Indigenous Land Acknowledgment," you can see that

9 it's underlined and the color of the -- of it is blue;

10 correct?

11 A. I see that.

12 Q. And are you -- have you, have you ever gone

13 on the website and looked at this document?

14 A. I have.

15 Q. Have you -- and that looks like it's a, it's

16 link; right?

17 A. It looks like it's a link.

18 Q. To another website. Have you ever clicked on

19 the link?

20 A. I don't remember I have clicked -- if I have

21 clicked on the link.

22 Q. Do you know where this link leads to?

23 A. I'm actually --

24 ATTORNEY HOSP: Object to the form.

25 You can answer.

1 A. So I don't know. Yeah, I don't know. I
2 would have to double-check.

3 Q. So you said you don't remember if you have
4 ever clicked on this link; is that right?

5 A. I just don't --

6 ATTORNEY HOSP: Object to the form.

7 You can answer.

8 A. I just don't remember if I have or not.

9 Q. And is there anything that would help you
10 remember whether you --

11 A. Well, if you know what the page is, I can
12 probably see if I have seen that page.

13 Q. Okay.

14 ATTORNEY DIAZ: And No. 6. Thank you.

15 Can you mark this as Exhibit 2.

16 (Exhibit 2 marked.)

17 (Discussion off record.)

18 Q. You have this document in front of you.
19 Would you mind just taking a look at it, reviewing it,
20 and letting me know when you had time, had time,
21 sufficient time to review it.

22 A. Okay. I didn't read the whole thing; but...

23 Q. Have you seen this before?

24 A. Honestly, it doesn't ring any bells.

25 Q. After looking at Exhibit 2, you don't recall

1 seeing this at all?

2 A. I might have. Looking at it, I don't -- it
3 just -- I don't recall.

4 Q. If you can take my word for it for now --

5 A. Um-hum.

6 Q. -- this is the -- would you take my word for
7 it that this is the website that is linked to in the
8 best practices document?

9 A. Really? Okay. I'm surprised.

10 Q. And when you look at the document, Exhibit 2,
11 what is the title on the document?

12 A. The title is "Honor Native Land: A Guide and
13 Call to Acknowledgment."

14 Q. And when you look at the second main
15 paragraph on the first page here, what does it say
16 there starting with "acknowledgment?"

17 A. "Acknowledgment is a simple," is this
18 paragraph?

19 Q. Correct.

20 A. It says, "Acknowledgment is a simple,
21 powerful way of showing respect and a step toward
22 correcting the stories and practices that erase
23 indigenous people's history and culture and toward
24 inviting and honoring the truth." Do you want me to
25 read the rest?

1 where it says an example land acknowledgment?

2 A. I see that.

3 Q. And you read the land acknowledgment
4 statement earlier. Do you know where this land
5 acknowledgment statement originated?

6 A. I mean, going from memory, this is the
7 example that's on the University of Washington
8 website, yeah.

9 Q. And when you say it's on the University of
10 Washington website, do you know where on the website,
11 specifically?

12 A. From memory, I'm not sure. We can -- I'm
13 sure we can find it.

14 Q. If I had a copy of the Washington, University
15 of Washington website, would that be helpful?

16 A. Yes.

17 (Exhibit 3 marked.)

18 Q. Let me know when you've had a chance to
19 review this, and we'll -- finish.

20 A. Okay. Yeah.

21 Q. You have Exhibit 3 in front of you?

22 A. I do.

23 Q. What is this?

24 A. This looks like the printout of a page from
25 the Office of Minority Affairs and Diversity website.

1 Q. For the University of Washington; correct?

2 A. That's what this looks like.

3 Q. And when you said it was -- the example land
4 acknowledgment statement from Exhibit 1 was on the
5 University of Washington website, is this the website
6 you were referring to?

7 A. It's possibly this website, because I recall
8 that there was the land acknowledgment with the
9 asterisks, and the asterisk had the explanation. I
10 don't remember if that's the correct website or the
11 correct explanation, but I recall that it looked
12 consistent with this.

13 Q. So on here, on Exhibit 3, you see that it
14 says, "Honoring Place"?

15 A. On Exhibit 3? Oh, yeah, "Honoring Place,"
16 yes.

17 Q. And underneath it, it has what you would call
18 a land acknowledgment statement?

19 A. It says, "The University of Washington
20 acknowledges the Coastal Salish peoples of this land,
21 the land which touches the shared waters of all tribes
22 and bands with Suquamish, Tulalip, and Muckleshoot
23 Nation."

24 Q. And that's same as the example statement --
25 on in Exhibit 3, or Exhibit 1?

1 A. I think so. Yeah, I think so.

2 Q. And you noted that there's an asterisk after
3 this statement. What does the asterisk say?

4 A. The asterisk says, "The language we use to
5 honor place was developed over the course of
6 several years by the UW Tribal Liaison with input from
7 tribal elders, elected tribal leaders, attendees of
8 the annual UW Tribal Leadership Summit, the Affiliated
9 Tribes of the Northwest Indians, UW Native American
10 Advisory Board, and others across our community. This
11 language template is spoken by UW leadership during
12 events to acknowledge that our campus sits on occupied
13 land. We recognize that this is a difficult, painful,
14 and long history, and we thank the original caretaker
15 of this land."

16 Q. And you said you are familiar with the
17 language in the asterisk; correct?

18 A. I mean, I don't, I don't remember the
19 language, exactly. I just remember there was an
20 asterisk, and it did say that the UW developed this
21 over some course of time by talking with appropriate
22 people.

23 Q. So when did you first become familiar with
24 this land acknowledgment?

25 A. I mean, I don't know when I first heard the

1 land acknowledgment. It's just hard -- like you
2 attend events. Someone might speak to land
3 acknowledgments, so I can't tell when the first time
4 I've heard it.

5 Q. And is this the -- would you call this the
6 official land acknowledgment statement for the
7 University of Washington?

8 ATTORNEY HOSP: Object to the form.

9 A. I think it depends on the definition of
10 "official." I mean, from my limited perspective,
11 that's the land acknowledgment that's written on the
12 university website, and I believe that's the one
13 that's typically used. I don't know if people, you
14 know, have variance.

15 ATTORNEY DIAZ: Can you give me No. 8.

16 Q. You said you've seen this web page before;
17 right?

18 A. (Witness nods head.)

19 Q. And are you aware of any changes that have
20 been made since January 1, 2022 to the land
21 acknowledgment statement?

22 A. I can't tell. Like I said, I remember there
23 was a page, possibly on OMA&D website that had the
24 land acknowledgment, that had a land acknowledgment
25 and asterisk that described how it was created.

1 That's what I recall.

2 Q. Okay.

3 ATTORNEY DIAZ: Can you mark that
4 Exhibit 4.

5 (Exhibit 4 marked.)

6 Q. You have Exhibit 4 in front of you?

7 A. Yes, I do.

8 Q. And you can just take a look at the first
9 page. Can you tell me what it is?

10 A. This looks like a printout of a email
11 conversation.

12 Q. And do you see the numbers on the bottom
13 right?

14 A. I see the numbers.

15 Q. It's Bates-stamped "UW_Reges_0000062"?

16 A. Yes.

17 Q. What's the date of this email?

18 A. The date on this printout is January 4th,
19 2022.

20 Q. And at the top, and what was the time it
21 says?

22 A. 6:17 p.m.

23 Q. And the email is from you; correct?

24 ATTORNEY HOSP: Object to the form.

25 A. I mean, it says "From," and it has my name.

1 Q. You wrote this email; right?

2 ATTORNEY HOSP: Object to the form.

3 A. I mean, the printout says it's from me.

4 That's what I can tell here.

5 Q. Based on your name being in the "From" line,
6 do you agree --

7 A. Um-hum.

8 Q. -- that you wrote this email?

9 ATTORNEY HOSP: Object to the form.

10 A. I mean, unless someone played with dates or
11 times or "From," if this is a printout from an actual
12 email, then it does say it's from me.

13 Q. Do you have any reason to believe that this
14 is anything but an actual printout of the email?

15 A. No.

16 Q. Do you see towards the bottom where it says,
17 "On Tuesday, 4 Jan 22, Magdalena Balazinska wrote"; do
18 you see that?

19 A. Yes.

20 Q. And below that, it's --

21 ATTORNEY HOSP: Hold on. I'm sorry. Are
22 you talking about the first page?

23 ATTORNEY DIAZ: Yes, on the first page of
24 Exhibit 4.

25 A. Here when it says, "On Tuesday, January,"

1 this one?

2 Q. Yes. And can you tell me, can you just tell
3 me what it says?

4 A. The part that says, "Hi, Stuart, Here it is,"
5 and it has a link?

6 Q. And what's that link to?

7 A. It's a link to OMA&D page.

8 Q. And that's the same document that we've
9 labeled Exhibit 3; correct?

10 A. From my recollection, this would be
11 consistent.

12 Q. And why did you send this link to Stuart?

13 A. So before he send -- and, actually, you can
14 see in this here. He says, "There is no UW land
15 acknowledgment, as far as I know." And at that time,
16 actually, I think it was Yoshi, I believe from my
17 recollection that Yoshi had sent me a link to the
18 page, when I had that conversation with Stuart, so
19 then I sent the link to Stuart, saying that that's the
20 UW land acknowledgment.

21 Q. So as far as you knew at that time, at least,
22 this was the UW land acknowledgment?

23 A. Right.

24 Q. Okay. And it's also the same as -- and the
25 UW land acknowledgment in Exhibit 3 is also the same

1 example land acknowledgment featured in Exhibit 1;
2 correct?

3 A. Yes, based on what we've been looking at,
4 yes.

5 ATTORNEY DIAZ: Just a few more minutes.
6 Is that okay?

7 ATTORNEY HOSP: If we could take a break
8 relatively quick soon, that would be great.

9 ATTORNEY DIAZ: Yes, we will be able to.

10 Q. Looking at the Exhibit 3, going to the
11 language near the asterisk. Is there anything in the
12 asterisk language that you disagree with?

13 ATTORNEY HOSP: Object to the form.

14 You can answer.

15 A. Let me read it slowly. Well, I don't like
16 the, "our campus sits on occupied land" part?

17 Q. Why not?

18 A. I want to say this makes me feel
19 uncomfortable, and then you are going to say why, and
20 then I'll say I disagree with it. I don't know. I
21 don't know. Maybe a first-generation immigrant, I
22 just don't have the same perspectives. I just --
23 yeah.

24 Q. So would you characterize -- so you wouldn't
25 characterize UW's land as, quote-unquote, occupied?

1 Q. And do you remember it?

2 A. Not by heart.

3 Q. So if I gave you something to look at, would
4 you be able to --

5 A. Yes.

6 Q. -- take a look and remember it?

7 ATTORNEY DIAZ: Number 14.

8 (Exhibit 6 marked.)

9 Q. Do you have Exhibit 6 in front of you?

10 A. I do.

11 Q. What is it?

12 A. It says, "Computer" -- it's a printout of
13 what looks like the course syllabus for the computer
14 science and engineering CSE 143 class that Stuart
15 taught.

16 Q. And it was taught in the -- this is the
17 syllabus for the class that is starting in the winter
18 of 2022 quarter; correct?

19 A. It doesn't say the dates. The printout does
20 not have the year.

21 Q. And you see the Bates stamp at the bottom?
22 It says, "UW_Reges_0001397"; right?

23 A. I see it.

24 Q. And are you aware that's the Bates stamp for
25 documents produced by your attorneys?

1 A. It's hard to explain. It just seems kind of
2 obvious. Maybe because the, I know the history is
3 very sensitive, so I know this might be a sensitive
4 topic for people. So if this is something that's
5 sensitive, especially to Native American people and
6 how they feel about it, then stating it that way just
7 seems to cause upset for them.

8 Q. Do you think the statement is offensive?

9 ATTORNEY HOSP: Object to the form.

10 You can answer.

11 A. My opinion is that the statement is
12 offensive.

13 Q. Why is it offensive?

14 A. I mean, for the reasons that I would say,
15 like it's a -- I have never been able to explain in
16 any context I think "offensive." It's just, like I
17 said, if I had a Native American colleague and someone
18 would read that statement to them, I would expect them
19 to feel upset by it.

20 Q. And a moment ago you said you feel like it's
21 offensive. I'm just asking, why is it offensive to
22 you?

23 A. I mean, it's not offending me. I just feel
24 the statement is offensive, especially to Native
25 American people.

1 (Exhibit 7 marked.)

2 Q. Do you have Exhibit 7 in front of you?

3 A. I do.

4 Q. What is it?

5 A. Just looks like a printout of an email. The
6 printout says it's from me to the faculty executive
7 committee.

8 Q. And what's the date on it?

9 A. It's January 7, 2022.

10 Q. And what is the subject of the email?

11 A. "Copy of response to reporters."

12 Q. And the Bates stamp at the bottom says,
13 "UW_Reges_0001294"; right?

14 A. Correct.

15 Q. Do you see the -- are you familiar -- why
16 don't you read the statement to yourself, and just let
17 me know when you are done.

18 A. Okay.

19 Q. Do you recall who wrote this statement?

20 A. I --

21 ATTORNEY HOSP: Object to the form.

22 You can answer.

23 A. So this is something, the actual writing
24 would have been done probably by Victor Balta, who is
25 the University of Washington communications lead

1 person. I forget his title. I remember we worked on
2 this together, including Chadwick Allen in those
3 conversations. And there are probably other people.
4 Like myself, Victor, Chad, and I don't remember who
5 else was there.

6 Q. And did you -- and what was this statement --
7 what was this language used for?

8 A. We did receive some questions from reporters,
9 and that's the, kind of the statement we put together,
10 in response to their questions.

11 Q. So this was sent to reporters --

12 A. Correct.

13 Q. -- of --

14 A. From what I recall, yes.

15 Q. And who was it sent on behalf of?

16 A. I mean, this was our response. I guess, I
17 guess, I think this is right. So this is kind of the
18 University of Washington response to reporters in
19 response to questions, that we have put together.

20 Q. And do you see the second paragraph, in the
21 last line there -- or excuse me. Do you see the
22 second paragraph -- I'm sorry. Let's back up a
23 second.

24 Do you see the last sentence of the first
25 paragraph?

1 A. I see it.

2 Q. And you see it says, "The invocation of
3 Locke's labor theory of property dehumanizes and
4 demeans indigenous people"?

5 A. Yes.

6 Q. And you said you had -- you took part in
7 crafting this statement?

8 A. That's correct.

9 Q. Correct?

10 And in order to send it out to
11 reporters --

12 A. Yes.

13 Q. -- who were asking questions about what was
14 happening --

15 A. Yes.

16 Q. -- in early January 2022? Sorry. Yes?

17 A. Yes.

18 Q. Did you approve this statement?

19 ATTORNEY HOSP: Object to the form.

20 A. I mean, I sent it out, so in this sense I
21 approved; otherwise I would not have sent it out.

22 Q. And you say you agree with it; correct?

23 A. Yes.

24 Q. So you agree -- so you are saying you agree
25 that Stuart's invocation of Locke's labor theory of

1 property dehumanizes and demeans indigenous people?

2 A. Yes. So right. And for context, right, when
3 I read Stuart's statement, it is just kind of
4 intuitively, you know, a statement that I view as
5 being upsetting to people on purpose, and that's kind
6 of intuitively for reasons that I explained a
7 few minutes ago.

8 But it's -- as we see, it's kind of hard
9 to explain. And we had this conversation, including
10 Chadwick Allen, and Chadwick kind of nicely phrased it
11 in that way. So those would be -- as far as I recall,
12 those were kind of his words to explain why this is
13 actually -- why this can be viewed as an offensive
14 statement and --

15 Q. And you sent them out -- but you sent out
16 those words, correct, to reporters?

17 A. That's correct.

18 ATTORNEY DIAZ: Let's go off record for a
19 second.

20 (Discussion off record.)

21 THE VIDEOGRAPHER: We are now going off
22 record. The time is 11:24 a.m.

23 (Recess.)

24 THE VIDEOGRAPHER: We are now back on the
25 record. The time is 11:25 a.m.

1 A. This email here?

2 Q. Yes.

3 A. So I mean, I can read it. Yes. So what's
4 the question?

5 Q. What, what did Ed email about on December 8th
6 that -- in this email here?

7 A. So Ed shared an article in the Atlantic on
8 land acknowledgment.

9 Q. Did you read the article that Ed sent?

10 A. I recall clicking and skimming the article.

11 Q. Do you recall what it was about?

12 A. I don't recall the details, honestly. It was
13 a while ago.

14 Q. But in general, you skimmed it.

15 A. I skimmed it.

16 Q. Do you remember what any of the topics were
17 of the article?

18 A. Okay. So trying to remember, and not
19 reliable memory because it's a year and a half ago, I
20 think it was complaining about, like, performative
21 nature of land acknowledgments. That's my
22 recollection, but I don't know how reliable it is.

23 Q. Okay. Then let's go to -- we're going to go
24 back to January 4th. Kind of go through the timeline
25 of what happened. Before January 4th, had you had any

1 conversations with Stuart Reges about his version of a
2 land acknowledgment statement?

3 A. I don't recall having any conversations with
4 Stuart on that topic.

5 Q. And before January 4th, had you communicated
6 anything to Stuart Reges about his land acknowledgment
7 statement?

8 A. I don't recall communicating anything to
9 Stuart about his land acknowledgment.

10 Q. So on January 4th, how did you first hear
11 that Stuart Reges had, in fact, included his version
12 of the land acknowledgment statement in his course
13 syllabi?

14 A. So from what I recall, Dan Ratner forwarded
15 me a Reddit thread where students were discussing it.

16 Q. And the Reddit thread, this was on
17 January 4th that you saw that?

18 A. Correct.

19 Q. And let's talk about the Reddit thread. Is
20 that an official University of Washington Reddit
21 thread?

22 ATTORNEY HOSP: Objection to the form.

23 You can answer.

24 A. Okay. I don't think -- okay. Maybe I just
25 don't know the details. Typically social media is

1 the purpose of identifying the Reddit --

2 ATTORNEY HOSP: Okay.

3 ATTORNEY DIAZ: -- the Reddit post.

4 Q. Are you -- and you are -- are you familiar
5 with Reddit?

6 A. I don't use Reddit.

7 Q. But are you familiar with it?

8 A. I mean, yes.

9 Q. And anyone can use it; right?

10 A. Right.

11 Q. Okay. So after Dan Ratner sent you this
12 Reddit post, what, what did you do in response?

13 ATTORNEY HOSP: Object to the form.

14 You can answer.

15 A. Okay. So it's hard to recall, exactly, and
16 in what order. But typically when there's a
17 complaint, I share the information with other people.
18 So I recall that during that day, I talked with my
19 colleagues within the Allen School. That would be Dan
20 Grossman, Ed, Yoshi, probably others. And I also
21 talked to the dean's office. That would be Dan
22 Ratner, and, you know, other people.

23 ATTORNEY DIAZ: Can you mark that
24 Exhibit 10.

25 (Exhibit 10 marked.)

1 Q. Is Exhibit 10 in front of you?

2 A. I see it.

3 Q. And what is it?

4 A. It's a printout of an email. The printout
5 says that it's an email from me on January 4th to Dan
6 Ratner.

7 Q. And in this email --

8 A. The time seems wrong.

9 Q. So we should cover this. So you see Dan
10 Ratner's email that says, "on Tuesday, January 4,
11 2022" below that?

12 A. Yeah.

13 Q. And that's Dan Ratner sending you the Reddit
14 post --

15 A. Yeah.

16 Q. -- we talked about; right?

17 And that's at 8:09 a.m.?

18 A. Yes.

19 Q. And from your understanding, you wouldn't
20 have responded at 5:05 p.m."

21 A. That's correct.

22 Q. Is that correct?

23 You would have responded much earlier;
24 right?

25 A. Yes.

1 Q. You would have probably responded within the
2 hour; right?

3 A. Yes.

4 ATTORNEY HOSP: I'm going to object.

5 But you can answer.

6 Q. You would have responded within the hour;
7 right?

8 A. Yes.

9 Q. And in fact, you did respond within the hour;
10 right?

11 ATTORNEY HOSP: Well, object.

12 You can answer, if you recall.

13 A. I believe I did, from what I recall.

14 Q. And is it your -- do you recall that the time
15 was probably more -- probably 9:05 a.m. as opposed to
16 5:05 p.m.?

17 ATTORNEY HOSP: Object to the form.

18 You can answer if you recall.

19 A. I mean, 9:05 would make more sense. Is it
20 Dan received it and was in Europe? I don't know if
21 maybe the email printout is from, from him and he was
22 in a different time zone.

23 Q. So we talked to your counsel about this.
24 There was a bit of a mix-up. But as long as your
25 recollection is you sent it in the morning on

1 January 4th to Dan Ratner; is that correct?

2 A. I recall sending -- I mean, I recall
3 responding in the morning, because then, as you saw
4 through the remaining communications throughout the
5 day.

6 Q. Great.

7 A. So there should be a copy of this email with
8 the correct time stamp somewhere.

9 Q. You take my word for it, that there was a
10 technical --

11 A. Yes.

12 Q. -- issue with --

13 THE COURT REPORTER: Wait. You got to
14 wait till he's done.

15 "Take my word for it," what?

16 Q. That there was a technical issue with the
17 documents that led to a time, the time being shifted
18 on the email?

19 A. Right. I think we agreed that this time does
20 not look like it was the actual time of that email.

21 Q. Okay. So as far as your recollection, within
22 one hour of Dan Ratner sending you a link to the
23 Reddit post we discussed, you responded to him by
24 saying, I find that this email is -- excuse me. "I
25 find that this is an issue that we need to raise with

1 HR and with OMA&D."

2 A. Um-hum.

3 Q. Why did you think it needed to be raised to
4 HR?

5 A. Oh, honestly, in this, I don't know why I put
6 HR, specifically. Reading the Reddit thread, reading
7 this post, it seemed clear that this is meant to upset
8 students. Students are already expressing their
9 feelings of upset in the medium that they know, and it
10 just seems like I just -- this is, as you mentioned,
11 not the first time Stuart makes comments that upset
12 people. So my initial reaction was, Okay, well, I
13 need to, you know, ask people above me for advice.

14 Q. You wanted to ask people for advice on what?

15 A. Right. So when students start to express
16 feelings of being upset, that that becomes the
17 responsibility for us to make sure that we have an
18 environment conducive to learning. And my experience
19 is, if one student expresses something, there's
20 typically many more students who also feel this same
21 kind of feeling of upset.

22 Q. And when you read Stuart's post and you
23 interpreted it as something that would be upsetting to
24 students, you went to HR for advice. Is that what you
25 are telling me?

1 Q. Did you speak with Aileen on January 4th
2 about Stuart's land acknowledgment statement?

3 A. I don't recall for sure. It would make sense
4 if I had.

5 ATTORNEY DIAZ: Let's just do this No. 11.
6 (Exhibit 11 marked.)

7 Q. Do you have Exhibit 11 in front of you?

8 A. Yes.

9 Q. And what is it?

10 A. It looks like a printout of an email. It's
11 from me, sent on January 4th. And at this point, I
12 don't know if the time is correct or incorrect. And
13 it's to Dan Grossman and Kristi Osborne -- she's the
14 communications director in the Allen School -- Yoshi
15 Kohno, and Ed Lazowska. The subject is "Re: Land
16 Acknowledgment."

17 Q. And we can agree that in all likelihood, it
18 was -- this email was sent at 9:19 a.m.; right?

19 A. It's possible.

20 Q. You see the email below it is 9:17 a.m.?

21 A. Yes.

22 Q. You would have responded at least within the
23 hour to that email from Dan Grossman; correct?

24 A. I agree that it's likely a nearby time.

25 Q. And you see where it says this is an email

1 from you, saying that you are taking -- "I'm taking
2 the package of both Stuart and Pedro's behaviors, and
3 I'm going to escalate it with the dean, to the
4 provost, and other UW-level authorities"; is that
5 right?

6 ATTORNEY HOSP: Objection to the form.

7 You can answer.

8 A. That's what the email says.

9 Q. And this email is a little less than
10 15 minutes after -- this email in Exhibit 11 is about
11 15 minutes after your email to Dan Ratner at 9:05 that
12 morning, which we have as Exhibit 10?

13 A. Yes. Assuming that those are the time
14 stamps, yes. But I agree the time stamps are probably
15 close.

16 Q. Yeah. So you were -- I mean, in your words,
17 you were escalating a package of Stuart's behaviors
18 with -- to the provost and other UW-level authorities;
19 correct?

20 ATTORNEY HOSP: Objection to the form.

21 You can answer.

22 A. Right. I mean, the sentence says, "I'm
23 taking the package of both Stuart's and Pedro's,"
24 there's two people behaviors, "and I'm going to
25 escalate it with the dean, to the provost, and other

1 Q. Did you talk to anyone else before going to
2 that instructor?

3 A. Honestly, I don't remember. And actually I
4 don't remember if I was the director when that
5 happened, or if I just heard about it after. That is
6 just kind of an example that came to my mind. But I
7 don't remember if I was the director. I don't
8 remember if I handled it, or I don't remember if it
9 was the previous director who handled it, and I heard
10 about it secondhand.

11 Q. Fair enough.

12 ATTORNEY DIAZ: 25 for me, please. And
13 15, when you get a chance. Thank you.

14 (Exhibit 12 marked.)

15 ATTORNEY DIAZ: I think we are 12.

16 THE COURT REPORTER: Yep.

17 (Discussion off record.)

18 Q. Ms. Balazinska, you have Exhibit 12 in front
19 of you?

20 A. I do.

21 Q. And what is it?

22 A. It looks like it's a printout of an email
23 from me to Stuart, copying Karen Thomas Brown, Dan
24 Ratner, and Phil Reid. And the subject is "Land
25 acknowledgment statement in your course syllabus."

1 Q. And what's the date on that email?

2 A. The date on the printout within the body here
3 is Tuesday, January 4th at -- 2022 at 3:40 p.m.

4 Q. And what is the Bates stamp on the bottom
5 right?

6 A. It's "UW_Reges_0001424."

7 Q. Do you remember sending this email?

8 A. Yes, this looks consistent with the email
9 that I remember sending.

10 Q. And in this email, you are asking -- in this
11 email, what are you asking Stuart to do?

12 A. I asked, I asked Stuart to remove the
13 statement that he called his land acknowledgment from
14 his course syllabus.

15 Q. How did you decide to ask Stuart to remove
16 the land acknowledgment statement from his course
17 syllabus?

18 A. So how did I decide? I mean, I talked with
19 kind of the people in the dean's office. You see Dan
20 and Karen included here. I probably also talked with,
21 you know, Ed, Dan, and others in the Allen School, so
22 that's how I decided.

23 Q. And why did you want to remove the land
24 acknowledgment statement -- I'm sorry. Why did you
25 want Stuart to remove the land acknowledgment

1 statement from his syllabus?

2 A. So students were voicing complaints about the
3 land acknowledgment and how it was making them feel in
4 the class, so I asked him to remove it.

5 Q. How many students at that time, 3:40 p.m. on
6 January 4th, 2022, were complaining about the land
7 acknowledgment statement in the syllabus?

8 A. So that's a good question. I don't remember
9 exactly how many students.

10 Q. How many students had you spoken to at that
11 time about Stuart's land acknowledgment statement?

12 A. I'm trying to remember. There was the thread
13 I received, and it's hard to remember, exactly, when
14 everything came. There was a anonymous feedback that
15 we received. There was one feedback that Karen told
16 me about. By then, I had other conversation,
17 including with our staff. They were also talking with
18 some students.

19 So I can't tell how many, but there were
20 definitely different channels of communication. And
21 there were kind of complaints coming through,
22 definitely through emails, through Karen and the one
23 that she forwarded and through the anonymous
24 complaint, and people were also talking with each
25 other.

1 statement, what did you do?

2 ATTORNEY HOSP: Objection to the form.

3 A. On January 4th, I think we just kind of left
4 it there.

5 Q. You don't -- do you remember taking any
6 action to do anything with the syllabus on
7 January 4th?

8 A. I believe on January 4th, if I recall
9 correctly, we, we took down the syllabus from the
10 website.

11 Q. And how did you have the syllabus -- how was
12 the syllabus removed from the website?

13 A. Oh, how was it -- I asked our IT team to do
14 it.

15 Q. Is that Adam Timss that you --

16 A. No, no. We have -- in the Allen School, we
17 have our own team. So I guess Aaron Timss. That's
18 right. Aaron Timss.

19 Q. Aaron Timss. Sorry. That's my mistake.

20 At some point on January 4th, the syllabus
21 was taken off of Stuart's course website?

22 A. Correct.

23 Q. And it was inaccessible?

24 A. Yes.

25 Q. And so students in Stuart's course could not

1 see the website?

2 A. That's right.

3 Q. What did they see, if they went to go look --

4 THE COURT REPORTER: I'm sorry. If they
5 went, what?

6 Q. What did they see if they went to the course
7 website to look at the syllabus?

8 A. We posted, like, a message that said that the
9 syllabus was taken down.

10 (Exhibit 14 marked.)

11 Q. Do you see Exhibit 14 in front of you?

12 A. I see it.

13 ATTORNEY DIAZ: Oh, sorry about that.

14 ATTORNEY HOSP: No worries.

15 Q. And you see that it's Bates-stamped
16 "UW_Reges_0001802"?

17 A. That's correct.

18 Q. And you see where it says, "Note: "; right?

19 A. I see it.

20 Q. Is this the statement that students would
21 have seen when they went to go look at the course
22 website on January 4th, after the syllabus was
23 removed?

24 A. Yes. That looks consistent with what I
25 recall.

1 Q. And can you read the note?

2 A. The note says, "The course syllabus has been
3 temporarily removed due to offensive statements. We
4 apologize for the inconvenience."

5 Q. Why did the -- did you direct the IT people
6 to put this note in the place of the syllabus?

7 A. So yes, I would say anything the IT people
8 did, they did at my direction.

9 Q. And so you told them to put something that
10 said -- you told them to put the page that said, "The
11 course syllabus has been temporarily removed due to
12 offensive statements"?

13 A. Yes.

14 Q. And again, during this time, nobody could
15 access the course syllabus?

16 A. That's correct.

17 Q. Did you ask for Nancy Allbritton's thoughts
18 before you removed the course syllabus?

19 ATTORNEY HOSP: Object to the form.

20 A. So from what I recall, during this whole
21 situation, I was always in close communication with
22 the dean's office, which would have been Dan Ratner,
23 Karen Thomas Brown, Nancy Allbritton, and also with
24 colleagues in the Allen School, which would have
25 included Dan Grossman, Ed Lazowska, and others.

1 A. Right. So in his email, Dan Ratner said,
2 "I'm keen to find a solution that ensures students
3 have access to the course syllabus"; right? So that
4 was his main goal was to find that solution, to have
5 kind of a good learning environment again.

6 And he says, "I don't have a perfect
7 solution, but the syllabus serves as a contract with
8 students for the class, which will be critical later
9 this quarter as grading questions and student
10 misconduct cases arise. If the instructor is
11 unwilling to remove the unnecessary and offensive
12 statement, Nancy and I suggest asking your IT team to
13 include a message on the course web page that the
14 department has asked the instructor to remove the
15 offensive language and they have refused." So that's
16 what he was suggesting.

17 Q. And in response to Nancy's -- what, his
18 statement, that "Nancy and I suggest asking IT team to
19 include a message on the course web page that the
20 department has asked the instructor to remove the
21 offensive language and they have refused," what was
22 your response in the following email?

23 A. So I suggested a different idea, and I said,
24 "Another option is for us to remove the offending
25 section from the PDF and post the updated PDF."

1 Q. And that's what ended up happening; right?

2 A. Correct, that's what we ended up doing.

3 Q. And, and do you recall whether you asked
4 Nancy or Dan Ratner whether you should remove the
5 section?

6 A. Yes. After this, there definitely was a
7 discussion with Dan Ratner. Dan was talking to Nancy.
8 We included Phil Reid in that conversation, regarding
9 those next steps, which is -- yeah.

10 Q. And what was, what was the substance of the
11 conversation?

12 A. So I don't remember all the details of the
13 conversations, but it would have been about what to do
14 with this syllabus, and the need to give students
15 access to the content that is relevant to the class,
16 and yet, make sure that the students, you know, have
17 kind of -- you know, have a good learning environment
18 in that class.

19 Q. And so what did -- you said you had a
20 conversation with Phillip Reid, Nancy Allbritton,
21 and --

22 A. Dan Ratner.

23 Q. -- Dan Ratner. What did you all decide to do
24 with Stuart's syllabus in the end?

25 ATTORNEY HOSP: Objection to the form.

1 You can answer.

2 A. Right, so just to clarify. This probably
3 wasn't one conversation. There were many
4 conversations with different groups of people,
5 including those people.

6 Ultimately we did remove the -- that
7 section from the PDF.

8 Q. Did Nancy Allbritton approve of removing
9 Stuart's land acknowledgment statement from his course
10 syllabus?

11 A. My recollection is that I had approval from
12 the dean's office. And I know you are speaking with
13 Nancy, so she can confirm on that.

14 Q. And did Phillip Reid also approve of removing
15 the land acknowledgment statement from Stuart's course
16 syllabus?

17 ATTORNEY HOSP: Objection to form.

18 A. Yes. And this is where I was talking mostly
19 to Dan Ratner, and Dan Ratner was talking to Phil
20 Reid, and Dan got Phil's approval.

21 Q. So going back to January 4th for a moment.
22 You mentioned that you had spoken with Aileen Trilles;
23 right?

24 A. I believe I spoke with her that day.

25 Q. Yeah. And you all had some emails as well?

1 A. Yeah.

2 Q. -- and by the time the land acknowledgment
3 statement was removed from Stuart's syllabus, at that
4 point you considered the issue resolved; is that
5 right?

6 A. Right. So that issue was resolved, except
7 Stuart mentioned that he was going to do this again,
8 and so then I was worried about any potential, like,
9 you know, what would happen when that happens.

10 Q. Right.

11 A. But had he not advertised or wanted to do
12 anything after that, then in my mind, yeah, we were
13 done.

14 Q. All right. So as you mentioned, in a certain
15 point, Stuart said he was going to include the land
16 acknowledgment statement in his syllabus in the spring
17 quarter; right?

18 A. (Witness nods head.)

19 Q. And so what happened? What was your response
20 to that?

21 ATTORNEY HOSP: Object to the form.

22 You can answer.

23 A. I definitely asked the dean's office -- I let
24 them know, and I asked them for advice on, okay, we
25 need to figure out how we're going to proceed. What

1 will happen when that happens.

2 Q. And what were you concerned about happening,
3 as a result of Stuart putting the land acknowledgment
4 statement back in his syllabus?

5 A. I mean, just the repeat of January.

6 Q. You were concerned about getting, students
7 getting upset?

8 A. Students getting upset and students
9 submitting complaints through all these different
10 channels.

11 Q. And was there any other reason you were
12 concerned about Stuart including the land
13 acknowledgment statement in the spring syllabus?

14 A. Not that I recall.

15 Q. So it was just the fact the students might be
16 upset and that students might end up submitting
17 complaints of some kind?

18 ATTORNEY HOSP: Object to the form.

19 You can respond.

20 A. Yes.

21 Q. Okay. Were you ever concerned, as a result
22 of Stuart's land acknowledgment statement being in the
23 syllabus, that courses -- that the instruction of his
24 course would be disrupted?

25 A. The instruction of, I mean --

1 ATTORNEY HOSP: Objection to the form.

2 You can answer.

3 A. I mean, if students are upset, then their
4 learning is disrupted, because they, they are upset by
5 what's happening. So in that sense, this is causing a
6 disruption that the students are, like, they're upset,
7 they might choose to drop the class. They might not
8 perform as well. I don't know. But basically the
9 students not having an environment where they feel,
10 you know, supported and where they feel like they can
11 learn is what I was worried about.

12 Q. And did any student, did any student actually
13 tell you that their learning was interrupted by Stuart
14 including a land acknowledgment statement in his
15 syllabus?

16 ATTORNEY HOSP: Objection to the form.

17 A. So from, from what I recall, for example,
18 from one of the complaints, a student was
19 mentioning -- and I forget exactly the detailed words,
20 but that they were -- they didn't feel like they could
21 learn in the class or that they would be treated
22 fairly. So students expressed those kinds of, of
23 feelings.

24 Q. And are you aware of Stuart Reges ever
25 treating a student unfairly in his classroom?

1 A. I'm not --

2 ATTORNEY HOSP: Object to the form.

3 You can answer.

4 A. I'm not aware, and I did not expect Stuart to
5 treat students unfairly independent of what he did
6 with the land acknowledgment.

7 Q. So even after he put the land acknowledgment
8 in his syllabus in January, you didn't expect that
9 anybody in his classroom would be treated unfairly by
10 Stuart?

11 A. Correct, I did not expect that.

12 Q. Now, we talked about the word "disruption" a
13 little bit. You were worried about students being
14 upset, and that might -- that that could disrupt their
15 ability to learn?

16 A. Right.

17 Q. But in terms of Stuart's actual class, was
18 there any time where he could not provide instruction
19 to students?

20 A. I'm not --

21 ATTORNEY HOSP: Object to the form.

22 You can go ahead.

23 A. I'm not aware of any time where he couldn't
24 provide instruction to the class.

25 Q. Nobody stood up in the class at one point

1 after the land acknowledgment statement was in the
2 syllabus and said, you know, This is an outrage?
3 Anything like that?

4 ATTORNEY HOSP: Objection to the form.
5 You can answer.

6 A. Nothing like that came to my attention, so
7 I'm not aware of anything like that.

8 Q. You are not aware that the class was ever
9 paused to manage student concerns in the middle of
10 class?

11 A. Right. I'm aware that Stuart paused the
12 class, I think, in fall to explain kind of his lawsuit
13 against the university, but I'm not aware of him
14 having to pause the class due to student behavior in
15 his class.

16 Q. Were any other classes at the Allen School,
17 was there any -- had any other classes at the Allen
18 School, are you aware of a disruption like that, where
19 students were upset about the land acknowledgment
20 statement that Stuart wrote, and voiced it during the
21 classroom?

22 A. So I'm not aware of students voicing a
23 disruption in other classrooms related to Stuart's
24 land acknowledgment.

25 Q. So throughout your emailing with --

1 A. Um-hum.

2 Q. -- various colleagues, you did talk about how
3 Stuart's land acknowledgment caused a disruption;
4 right?

5 A. Right.

6 Q. And when you say that, you are talking about
7 just those two things of receiving that there would be
8 complaints and that students might be upset?

9 ATTORNEY HOSP: Objection to form.

10 A. Correct. My worry is students being upset
11 and students, as a result of that, being affected in,
12 in learning in that classroom; the students
13 potentially dropping the class because of those strong
14 feelings of being upset, that was my concern.

15 Q. So you were concerned about how the students
16 would react to Stuart's land acknowledgment statement?

17 ATTORNEY HOSP: Objection to the form.

18 A. I think that's accurate, yeah.

19 Q. Is there any complaint that alleged that
20 Stuart treated a student unfairly --

21 ATTORNEY HOSP: Objection to the form.

22 Q. -- relating to the land acknowledgment
23 statement?

24 A. I don't recall all complaints, and I might
25 not have heard all complaints. I'm not aware of

1 anyone saying that he treated someone unfairly.

2 Q. Are you aware of any student that said that
3 Stuart discriminated against them?

4 ATTORNEY HOSP: Objection to form.

5 A. So students voiced different feelings in, in
6 the complaints. I don't recall anyone saying
7 specifically that, you know, in that winter 2022 class
8 Stuart had discriminated against them, other than the
9 students complaining about how the posting of the
10 specific land acknowledgment statement was affecting
11 them and their feelings of about -- kind of their
12 feelings around how they could learn in that class.

13 Q. And are you aware of any complaints from
14 Stuart -- sorry.

15 Are you aware of any complaints related to
16 Stuart's land acknowledgment that -- where the student
17 claimed that he was harassing them in somewhat?

18 ATTORNEY HOSP: Objection to form.

19 A. I just, I just don't remember all the words
20 people put in their complaints.

21 Q. What about staff? Did staff ever allege that
22 Stuart treated them unfairly?

23 ATTORNEY HOSP: Objection to form.

24 A. Let's see. In the workplace, no.

25 Q. And did -- are you aware of any staff, or did

1 any staff tell you that Stuart had discriminated
2 against them?

3 A. I'm not aware of staff members saying that
4 Stuart had discriminated against them in the
5 workplace.

6 Q. And are you aware of any staff saying that
7 Stuart harassed them in some way in the workplace?

8 A. This is where I pause, because people kind
9 of, including staff members, expressed a lot of strong
10 feelings around actions, such as posting the land
11 acknowledgment, emailing diversity-allies. I forgot
12 all the words they were using in that. But that could
13 be kind of a potential place where people could voice
14 that type of feeling, but you have to look back on
15 what people said, exactly.

16 Q. Going back to early January. In response
17 to -- sorry. Put that on the back.

18 At some point, you sent an email to the
19 students in Stuart's class; right?

20 A. Um-hum.

21 Q. And do you remember what, generally what that
22 email says?

23 A. So I sent, from what I recall, two emails to
24 the class. Yeah, if you can look at the email, that
25 would be easier.

1 ATTORNEY WALTERS: 34?

2 (Exhibit 16 marked.)

3 ATTORNEY DIAZ: Where are we at?

4 THE COURT REPORTER: 16.

5 ATTORNEY DIAZ: 16, all right.

6 Q. So, Ms. Balazinska, you have Exhibit 16 in
7 front of you?

8 A. That's correct.

9 Q. What is Exhibit 16?

10 A. Exhibit 16 looks like a printout of an email,
11 and it says that it was from me to the CSE 143 class.

12 Q. And what's the date?

13 A. The date is January 5th, 2022.

14 Q. And you see the Bates stamp at the bottom?

15 A. Yes. It's "UW_Reges_0000607."

16 Q. And is this an accurate copy of what you sent
17 the students after --

18 A. Let me just take a quick look.

19 Q. Sure thing. Take your time.

20 A. Okay.

21 Q. Is this an accurate, is this an accurate
22 representation, or an accurate copy of the email you
23 sent to students on January 5th?

24 A. Yeah, this looks consistent with my
25 recollection.

1 Q. And do you have any reason to believe this is
2 not the email that you sent to students on
3 January 5th?

4 A. No.

5 Q. And in the email on paragraph -- in paragraph
6 3, you note, "I encourage you to submit a complaint
7 through one of the following channels. These
8 complaints are taken very seriously," and you list
9 three channels within --

10 A. Um-hum.

11 Q. -- the University of Washington for purposes
12 of complaints; right?

13 ATTORNEY HOSP: Object to the form.

14 You can answer.

15 A. Right. So this is -- I mean, as we were
16 discussing, one of the complaints that a student had
17 voiced said that they were worried they would not be
18 treated fairly. And as we discussed, I did not
19 expect -- I mean, I expected Reges to treat everyone
20 fairly. I had no reason to believe otherwise. So I
21 specified that I would like to assure everyone that
22 they can expect to be treated fairly, since that was
23 my expectation.

24 But since in the morning students took to
25 social media, and this has been something standard

1 that I just conveyed to students the form of, like if
2 you do want to express feelings and express
3 complaints, like, don't go to social media. Like, we
4 have official channels that will be -- yeah, official
5 channels. That was all.

6 Q. And so you encouraged students to submit a
7 complaint; is that correct?

8 A. Well --

9 Q. Yes. Go ahead. Don't let me interrupt you.
10 Go ahead.

11 A. Sorry. More like redirect. So it's -- so
12 the first statement is to assure everyone that they
13 can expect to be treated fairly, because someone
14 voiced that I expected them to be treated fairly.

15 And second one is to just redirect
16 students, and if they wanted to express feelings, not
17 take that to social media, but instead, use one of
18 those official channels. That was the intent of my
19 statement here.

20 ATTORNEY DIAZ: 34.

21 (Exhibit 17 marked.)

22 Q. Do you have Exhibit 17 in front of you?

23 A. Yes.

24 Q. And what is it?

25 A. It does look like a printout of some emails.

1 Q. And on the first page, you see the Bates
2 stamp "UW_Reges_0005997"?

3 A. Yes.

4 Q. And at the top, who is this email from?

5 A. At the top, it's an email from me to Kristin,
6 copying Dan, Yoshi, Ed, and Jan Cuny, who's a staff
7 member in the Allen School.

8 Q. And Dan Grossman; right?

9 A. And Dan Grossman, yes.

10 Q. And the time of the email -- or the date of
11 the email is January 4th, 2022; correct?

12 A. Correct. And I don't -- we would have to
13 check if the time was -- probably the time is correct,
14 and I don't know.

15 Q. If you go down to where it says in the middle
16 of the page on 5997, it says, "On Tuesday January 4th,
17 2022 at 3:09 p.m." Do you see that?

18 A. I see that.

19 Q. And there's a short email there. Can you
20 tell me who wrote that email?

21 A. Yes. So just give me a second. Let me just
22 remember the context.

23 All right. I remember that. Okay. Oh, I
24 see. Okay. Yes.

25 Q. So you had a chance to review the full chain?

1 A. Yes.

2 Q. What is this email chain related to?

3 A. So this is -- it starts with an email that
4 Yoshi Kohno received from students, kind of voicing
5 their concerns around the land acknowledgment in the
6 syllabus.

7 Q. You received an email from the DEI student
8 committee; right?

9 A. That's how the student signed it.

10 Q. That's the one -- that's what you are
11 referring to, that email?

12 A. That email, yes.

13 Q. And who is the DEI student committee?

14 A. I'm not actually sure if that's an official
15 committee. We have a diversity and equity inclusion
16 committee that includes faculty, staff, and they meet
17 at some, you know, regular intervals, maybe monthly,
18 to discuss issues related to diversity. I'm not aware
19 of a DEI student committee. Maybe those are the
20 students that actually just attend the diversity
21 meetings, kind of calling themselves like that.

22 Q. They're -- you are aware there are students
23 who are on the committee you spoke about?

24 A. Yes.

25 Q. And would it surprise you to learn that these

1 A. Um-hum.

2 Q. -- if they wanted to, there was also a second
3 section of Stuart's course created; right?

4 A. That's right.

5 Q. And how did you come to the decision to
6 create a second section to Stuart's course?

7 A. That's a good question. So after we removed
8 the statement from the syllabus and notified the
9 students, I received follow-up communication from the
10 students in the class. And what I try to do when
11 someone sends me communication is, in general, when
12 someone complains, I try to meet with them and talk
13 with them. And I talked with one of the students, and
14 she, she told me, honestly, that she was unable to
15 continue in this class, and that she was going to drop
16 the class that Friday morning, even though she really
17 had to take this class, because she had, like, to
18 fulfill some requirements for that first year.

19 And that just really broke my heart,
20 knowing that students would, would really, I mean,
21 have such a big negative impact on their own
22 education. So I wanted to find some kind of
23 accommodation for the students, and this is why I
24 recommended we create a new section, such as students
25 who felt that way and were going to drop the class,

1 were actually able to finish taking the class.

2 Q. So you heard -- you spoke with a student who
3 told you that she didn't want to take the class with
4 Stuart anymore?

5 A. Right. That she couldn't take the class with
6 Stuart anymore.

7 Q. Did you -- at that time, did you speak with
8 any other students who said similar things, that they
9 couldn't take the class with Stuart anymore?

10 A. At that point, that evening, I did not talk
11 with other students. I also sometime received kind of
12 an email summary from Chloe, who's a -- I'm terrible
13 with titles. She's, I think, the assistant director
14 for diversity and access, so she manages the diversity
15 and acces team.

16 And her staff were also speaking to a lot
17 of the students, and they also conveyed some feelings
18 of -- and I forgot exactly kind of when, but I
19 remember kind of also receiving that compilation of
20 thoughts from them.

21 And my experience, I'm also thinking, even
22 if there's one student who drops the class that way,
23 out of the size of the class, there's probably going
24 to be other students. So it -- my opinion, it was
25 then worth trying to do something for those students.

1 Q. When you say that if you -- so you say --
2 first let's start with, you said Chloe sent you an
3 email that said, that had some students expressing
4 concerns about the land acknowledgment statement?

5 A. So the email from Chloe was more a
6 compilation of the concerns expressed by her team, and
7 her team was also in that email. And I forgot the
8 details. We have that email in some of the documents.
9 They had also spoken to the students, and they were
10 conveying kind of similar of the feelings from the
11 students.

12 Between all those concerns reported
13 through that channel, through the staff concerns, and
14 talking to the one student, and knowing that typically
15 if there's one student who is going to do this and
16 who's feeling that strongly, there's most likely other
17 students who feel that way too, this is when I thought
18 that we kind of -- I don't know, one way to support
19 those students was to let them take a class in a
20 different way.

21 Q. And is there any -- but you didn't speak to
22 any of the students that Chloe's staff spoke to?

23 ATTORNEY HOSP: Object to the form.

24 You can answer.

25 Q. Did you speak to any students that Chloe,

1 that Chloe's staff spoke to?

2 A. Not that -- I don't think. I don't recall
3 speaking to them at that time.

4 Q. And did you -- I'm sorry. Do you know how
5 many students Chloe's staff spoke to?

6 A. I don't know.

7 Q. And you didn't hear from any other student
8 that said at that time they couldn't take Stuart's
9 class; right?

10 ATTORNEY HOSP: Objection to the form.

11 You can answer.

12 A. I will say that, I mean, I don't have perfect
13 recollection, so this is hard to say with certainty.
14 Yeah, it's hard to say precise, like, who spoke and
15 how many students and who. But I know that the
16 decisive factor for me was when I had the discussion
17 with the student, that definitely was a decisive
18 factor. I did hear from different people. There were
19 many communications going on, so I cannot say with
20 certainty about others.

21 Q. And so you have -- you get one student saying
22 to you that they felt like they couldn't continue in
23 Stuart's class because of his land acknowledgment
24 statement, and you extrapolated from that to thinking
25 that other students must feel the same way?

1 ATTORNEY HOSP: Objection to form.

2 A. I would also bring kind of the whole context;
3 right? So since -- I think, actually, so I knew about
4 it on Tuesday, but like the first complaint was
5 actually submitted on Monday. So since Monday we had
6 complaints. Students went on social media. Students
7 expressed strong feelings. We received emails that
8 can show it was another example. I received emails
9 through staff.

10 So there's a clear -- it's coming from all
11 these directions; right? Just a lot of expression of
12 these very strong feelings around what's happening.
13 And then, right, so my initial thought was, Okay, we
14 remove the statement, maybe that's fine. And then
15 people convey to me that actually, no. The way they
16 feel so strongly, they are going to drop the class.

17 So given that context and just a message
18 from the student and the compilation of these concerns
19 from the staff, yes, I just extrapolated. I didn't
20 know how many, and like maybe ten students feel that
21 way. I really had no idea what to expect.

22 But even if it were for just, like, ten
23 students, I really didn't want students to, like, you
24 know, damage to education. I really wanted to make
25 sure they can continue and complete the class.

1 Q. And was there any -- just talking about the
2 one student that you spoke to for the moment.

3 A. Um-hum.

4 Q. Was there any way, any other way to
5 accommodate that student?

6 ATTORNEY HOSP: Objection to the form.

7 You can answer.

8 A. That wasn't clear to me, because the problem
9 is if the classes are like prerequisites to other
10 classes, and she already had, from what I recall, like
11 a full schedule for spring that she needed to complete
12 in that one year, so there isn't an easy way to take
13 the class next quarter. Because sometimes that's an
14 easy -- that's a potential accommodation or
15 recommendations, just, you know, take the class the
16 next quarter with another instructor. But in this
17 case, it wasn't possible.

18 So -- and typically, if there's one
19 student who starts to have this constraint, that means
20 there's -- out of a large class, there's going to be
21 other students in the same situation.

22 Q. But as you said, you extrapolated from this
23 one story and the context to believe that other
24 students should be given the opportunity to have a
25 different section at the same time; right?

1 A. That's correct.

2 Q. So let's fast forward to the spring, or
3 sorry. The spring quarter I want to talk about that.

4 A. Um-hum.

5 Q. Let's fast forward to February 2022.

6 A. Um-hum.

7 Q. You said, you noted that Stuart, you said he
8 was gonna put the land acknowledgment statement back
9 in his syllabus in spring quarter; right?

10 A. That's right.

11 Q. When you heard that, what did you, what did
12 you think?

13 ATTORNEY HOSP: Objection to the form.

14 A. I mean, at that point, I was pretty sure he
15 was going to do it. The way he put it, that's what I
16 thought.

17 Q. And what was your reaction to hearing that he
18 was gonna put it back in his syllabus?

19 A. I definitely recall asking the dean's office
20 for advice on, Well, how are we going to proceed when
21 that happens again in, in spring quarter.

22 Q. And do you remember when you first heard that
23 Stuart was going to put the land acknowledgment
24 statement back in his syllabus in the spring quarter?

25 A. I'm not sure about the first time. From what

1 I recall, he sent an email -- I believe he sent an
2 email to the faculty mailing list. I'm not sure. He
3 did send an email to the diversity-allies mailing
4 list. I recall there were a couple of -- I vaguely
5 recall there were a couple of emails. I don't
6 remember the details. I'd have to double-check.

7 Q. One thing before I forget.

8 (Exhibit 18 marked.)

9 Q. You have Exhibit 18 in front of you?

10 A. Yes.

11 Q. What is this?

12 A. It's, again, some emails. Let me just first
13 take a look. This is pretty short, just one page.

14 Okay.

15 Q. What is Exhibit 18?

16 A. So again, it's a printout of the emails.

17 Q. And you see a little, a little ways down on
18 this page, which is Bates-stamped "UW_Reges_0005255,"
19 that there's an email written by you?

20 A. Yes, I see that.

21 Q. And that's from January 7th, 2022?

22 A. I see that.

23 Q. And it says 9:52 a.m.?

24 A. Um-hum, I see that.

25 Q. This is the email you sent to students

1 announcing the second section of Stuart's course;
2 right?

3 A. Yes, that looks consistent with my
4 recollection.

5 Q. And you have no reason to think that this is
6 not the email that you sent to students announcing the
7 second section?

8 A. That's correct.

9 Q. Because it is the email you sent to the
10 students; right?

11 A. I assume it is, yes.

12 Q. Okay. Going back to, you said -- you were
13 talking about an email from Stuart announcing that he
14 was going to put the -- his land acknowledgment
15 statement back in the syllabus; right?

16 A. That's correct.

17 Q. And that was sometime in February?

18 A. I believe so.

19 (Exhibit 19 marked.)

20 Q. Is this is 19, Exhibit 19. No, wait. This
21 isn't -- no, that's fine.

22 Before we get to that document, I want to
23 ask you quickly about, do you remember -- maybe you
24 still do this. Do you, do you remember doing kind of
25 town halls for the student body in the Allen School?

1 A. That's right.

2 Q. Is it a specific group of students that come,
3 or is it anyone can come?

4 A. It's open to everyone.

5 Q. And is there ever a recording of these
6 meetings?

7 A. I don't believe we record those meetings.

8 Q. Is anyone taking notes, that you are aware
9 of?

10 A. I don't know if anyone is taking notes.

11 Q. At the -- at these meetings, would you record
12 a list of the students that attended?

13 A. No. I mean, we -- there is an RSVP; so...
14 When we -- because we need to know how much food to
15 order.

16 Q. Okay. Looking at Exhibit 19. Take a moment
17 to review it, and then just look up when you are
18 ready.

19 A. Okay.

20 Q. This -- what is this document? What is
21 Exhibit 19?

22 A. This is a printout of an email. It says that
23 it's sent on behalf of -- so sent by Stuart Reges to
24 the diversity-allies mailing list.

25 Q. And what's the date on the email?

1 A. February 23, 2022.

2 Q. And what's the substance of the email?

3 A. So Stuart talks about, shares a link to the
4 article, where some person called Josh Moody of Inside
5 Higher Education has taken a deep dive into the land
6 acknowledgment issue in a new article just released.
7 And he also shares kind of that, the article explores
8 the pros and cons of land acknowledgments, and
9 describes what happened this quarter when he included
10 his version of the land acknowledgment in the course
11 syllabus. And also that he plans to continue, what in
12 this email he calls his protest, and kind of when he
13 teaches CSE 142 and will distribute the syllabus on
14 paper, which is more difficult to sensor, he says.

15 Q. In this -- and on the bottom right, there's a
16 Bates stamp?

17 A. Um-hum, yes.

18 Q. And it says, "UW_Reges_0000974"; right?

19 A. That's correct.

20 Q. And you've seen this email before; right?

21 A. Yes.

22 Q. And because you are on the diversity-allies
23 listserv; right?

24 A. Yes.

25 Q. And when you got this email, what was your

1 discussed with the Attorney General's Office, why did
2 you feel, before reaching out, that you needed to talk
3 to the Attorney General's Office about Stuart's email
4 on February 23rd?

5 A. Why? Oh. I mean, at that time I was asking
6 input on --

7 ATTORNEY HOSP: And I'm gonna --

8 A. Yeah.

9 ATTORNEY HOSP: -- instruct you not to
10 answer, because that does get into what it is that you
11 actually talked to them about.

12 Q. So let's look at --

13 (Exhibit 20 marked.)

14 Q. Do you see in front of you Exhibit 20; right?

15 A. Yes, I see it.

16 Q. What is Exhibit 20?

17 A. It's a printout of some emails.

18 Q. And looking at the first page, which is
19 Bates-Stamped "UW_Reges_0004330" --

20 ATTORNEY HOSP: And by the way, just so
21 that, I'm not going to stop you from asking questions
22 about this document, generally, but when we're done
23 today, I'm just noticing that there is one line in
24 this that should have been redacted, that we will grab
25 back and redact. My guess is you are not going to ask

1 questions about that particular sentence. And I don't
2 want to, I don't want to hold up the proceeding, so --
3 because most of this is not privileged. There is one
4 particular sentence that I just noticed that is
5 privileged.

6 So I just want to put that on the record.
7 You can go ahead and ask questions. I mean,
8 specifically it's the first phrase of the email from
9 Director Balazinska on February 25th, 2022 at 9:40.
10 It should have been redacted. Not a big deal. I
11 don't want to waive any privilege.

12 ATTORNEY DIAZ: Are you saying just the
13 first sentence, or just the first --

14 ATTORNEY HOSP: Just, just the first
15 phrase.

16 ATTORNEY DIAZ: And that's, "Following the
17 recommendation of the" --

18 ATTORNEY HOSP: Well, yeah.

19 ATTORNEY DIAZ: Sorry. We should have
20 went off the record to have this conversation,
21 probably.

22 ATTORNEY HOSP: Probably. Why don't we go
23 off the record for a few seconds.

24 ATTORNEY DIAZ: Yeah.

25 THE VIDEOGRAPHER: We are now going off

1 the record. The time is 2:59 p.m.

2 (Discussion off record.)

3 THE VIDEOGRAPHER: We're now back on the
4 record. The time is 3 p.m.

5 Q. You see the email from Friday, February 25th
6 at 9:40 a.m.?

7 A. Yes. Let me actually read this a little bit
8 more carefully.

9 Q. Well, I actually just want to confirm
10 something with you about that one email.

11 ATTORNEY HOSP: Well, you can take a
12 moment and just --

13 A. Yeah. Okay.

14 Q. So just, now that you have -- to be clear,
15 you've read the email that's on Bates-stamped
16 "UW_Reges_0004330"?

17 A. I have.

18 Q. And at 9:40 a.m., February 25th, 2022,
19 letting Nancy Allbritton, Dan Ratner, and Karen Thomas
20 Brown and Aileen Trilles know that you allowed
21 Stuart's email to the diversity-allies listserv from
22 February 23rd through to the full diversity-allies
23 listserv; right?

24 A. Right.

25 Q. And you did that even knowing you would get

1 complaints?

2 A. Yes. I expected -- like I said, since the
3 email, the way it was phrased and it was related to
4 the topic from January. January, there had been a lot
5 of strong feelings, a lot of complaints, this is
6 related, so I expected that people would react, which
7 is why I paused on that email.

8 Upon reviewing the -- you know, there's
9 always for moderation guidelines, and I think it
10 should be at the bottom of the list. Right. I think
11 you have the guidelines here. The email on face value
12 did not, so then I let it go through. What else was I
13 supposed to do?

14 Q. So even knowing that it would upset others,
15 or even expecting that it would upset others, you
16 allowed the email to go through?

17 A. I did not see a way to prevent the upset. I
18 had -- yeah, I didn't see a way to stop the upset from
19 happening. On the face value, the email was following
20 the moderation guidelines.

21 Q. Well, we've already talked about how
22 previously when Stuart put his land acknowledgment
23 statement in the winter 22 syllabus, you had the
24 syllabus removed; right?

25 A. Right.

1 Q. Because you thought it would upset people?

2 A. Well, that was different. He put it. People
3 expressed feelings of upset, and then I had to take
4 action. Like here, I mean, honestly, I couldn't be
5 sure how people would react. You asked me -- I mean,
6 I read the email. I'm like, it doesn't upset me more
7 than anything that happened, so I don't know for sure
8 how people would react. I worried. But at face
9 value, it seemed fine, so I let it go through.

10 Q. So after this email went through to
11 diversity-allies listserv, do you remember what
12 happened next?

13 A. Right. As the email says, I did receive some
14 complaints, including the email that's in this
15 Exhibit 20.

16 (Exhibit 21 marked.)

17 Q. You have Exhibit 21 in front of you?

18 A. I see it.

19 Q. What is the first page of Exhibit 21?

20 A. The first page is a printout of an email.

21 Q. And who is the email from?

22 A. The email, the printout says it's from me on
23 March 2nd to Stuart Reges, cc Aileen Trilles.

24 Q. And turning to the next page, which is
25 "UW_Reges_0001019"; correct?

1 A. Correct.

2 Q. What is this document?

3 A. So this document looks consistent with the
4 25-71 letter that I emailed Stuart.

5 Q. And what's the date on this letter?

6 A. March 2nd, 2022.

7 Q. And do you have any reason to think that this
8 isn't the -- an accurate copy of the letter that you
9 sent to Stuart on March 2nd?

10 A. I don't.

11 Q. Because it is the letter you sent to Stuart;
12 right?

13 A. I expect that it is.

14 Q. Now, you sent this letter, was -- about one
15 week after his email went through; right? To the
16 diversity-allies listserv?

17 A. That's right. The email was February 23rd,
18 20. Something like that.

19 Q. And before you sent him the March 2nd 25-71
20 letter, you had -- did you have conversations with
21 others about whether you should send such a letter?

22 ATTORNEY HOSP: I'll just instruct you to
23 leave off any communications you had with attorneys or
24 anybody at the Attorney General's Office.

25 THE WITNESS: Oh, sure.

1 the in-person meeting. So to under- -- to kind of go
2 through, Okay, how such a meeting works and what are
3 we supposed to say, and mostly saying that what we are
4 supposed to say in the content of the letter, and then
5 working on the resolution.

6 Q. Did you talk about anything else at that
7 meeting?

8 A. Not that I recall.

9 ATTORNEY HOSP: While you think about that
10 other question, I forgot my pen in the other room.

11 THE VIDEOGRAPHER: Stop?

12 ATTORNEY HOSP: We don't need to go off
13 the record.

14 (Discussion off record.)

15 ATTORNEY DIAZ: Can I have 59B, please.
16 We were just looking at it. Thank you.

17 (Exhibit 22 marked.)

18 Q. So you have in front of you Exhibit 22?

19 A. Yes, I see it.

20 Q. And turning to the second page of Exhibit 22,
21 you see on the bottom right it says, Bates-stamped
22 "UW_Reges_0001072"?

23 A. I see that.

24 Q. Why don't you take a minute to peruse the
25 letter --

1 A. Okay.

2 Q. -- and then we can discuss it.

3 A. Okay.

4 Q. So you've reviewed the letter?

5 A. I've read the letter, yes.

6 Q. So Exhibit 22 is a letter describing the
7 proposed resolution you came up with; right?

8 A. That's correct.

9 Q. And it was sent to Stuart, March 9th, 2022?

10 A. That's correct.

11 Q. And do you see where it says on
12 page Bates-Stamped 1072, "Under this proposed
13 agreement"?

14 A. I see that.

15 Q. What did you propose in order to resolve the
16 25-71 process?

17 A. I mean, the key was the second bullet: "You
18 agree not to include the statement that you have
19 called your version of the land acknowledgment that
20 was published in the CSE 143 winter 2022 online course
21 syllabus in the online and print copy of the CSE 142
22 spring 2022 syllabus, or in other future course
23 syllabi," that was the key point, and that was one
24 proposed resolution.

25 As we indicated in the letter, we also

1 statement, and he chooses to nevertheless include it,
2 I mean, that -- it's hard to say he's trying to be,
3 you know, creating an environment conducive to
4 learning, given that sequence.

5 Q. And the last line of this letter, the final
6 paragraph, it asks Stuart to, if he accepts all terms
7 and conditions, to let you know no later than
8 March 14th -- March 15th, 2022; right?

9 A. Yes.

10 Q. And the last line of the letter reads, "If
11 you prefer not to accept this agreement by that date,
12 which is your decision, we will then proceed with next
13 steps in accordance with the Faculty Code"; right?

14 A. That's right.

15 Q. In your opinion, has Stuart ever shown a lack
16 of respect to his students?

17 A. Stuart had previously made statements that
18 have upset students.

19 Q. But did he show -- did he treat them in a way
20 that was disrespectful?

21 ATTORNEY HOSP: Object to the form.

22 A. I would say, honestly, I also don't know in
23 the sense that, like, I'm not in his classes. I don't
24 see how he interacts with students, so this is a very
25 vague question.

1 Q. Do you have any reason to believe that he has
2 treated his students disrespectfully?

3 ATTORNEY HOSP: Objection to the form.

4 A. What I see is when someone submits a
5 complaint -- and definitely Stuart has made statements
6 and students have sent complaints, students have sent
7 letters. Even before this incident, they have sent
8 letters. That's what I see.

9 Q. Did any of those letters say that Stuart
10 Reges treated them disrespectfully?

11 A. I don't remember the content of all the
12 letters.

13 ATTORNEY HOSP: And for the record, we
14 have produced the letters.

15 Q. How did -- do you recall how Stuart responded
16 to this proposal?

17 A. I recall that he sent me a short email saying
18 that he was declining that resolution. I forgot the
19 exact wording.

20 Q. And do you remember in the weeks that
21 followed, meeting with Nancy Allbritton to discuss the
22 proposed resolution meeting that you had with Stuart
23 Reges?

24 A. That's correct. So once Reges declined the
25 resolution, I must have -- I mean, Aileen was copied.

1 I let her know. And then Aileen takes the next step
2 to talk to the dean, and then I did speak with the
3 dean just to let her know. I mean, she already knew.

4 Q. And -- but you had a meeting with the dean?

5 A. I did remember having a meeting with the
6 dean.

7 Q. And how long did that meeting last, about?

8 A. I did not have a separate meeting with the
9 dean. I have, like, monthly meetings with the dean,
10 and this was one item that -- so it was part of that
11 longer meeting, where we moved on to other agenda
12 items. We did not discuss this much.

13 ATTORNEY DIAZ: 73.

14 (Exhibit 23 marked.)

15 Q. Do you have Exhibit 23 in front of you?

16 A. Yes, I see Exhibit 23.

17 Q. What is it?

18 A. It, it looks like a printout of an email from
19 me to Nancy, entitled "25-71 Consultation."

20 Q. And it's from March 21st, 2022?

21 A. That's correct.

22 Q. And the Bates stamp on the bottom reads
23 "UW_Reges_0000917"; right?

24 A. That's correct.

25 Q. And do you see where it says, "On March 21st,

1 statement, we have started the process. We were
2 unable to find a -- to achieve a resolution. I was
3 worried students would be upset again.

4 I actually tried to notify some of the
5 students I knew had been upset and had complained that
6 we were following the process in the faculty code, and
7 that I had asked him to remove it, but I was unable to
8 prevent him from having it in, and that the process
9 was unfolding.

10 I did that and the quarter started. We
11 received one letter from the Native American faculty
12 when that started, but I did not receive other
13 complaints from students at that time, so I did not
14 take any action.

15 Q. And going forward since the spring 2022
16 quarter, Stuart has continued to include the land
17 acknowledgment statement in his syllabus; right?

18 A. I believe that's the case.

19 Q. And have you received complaints since,
20 starting with the fall 2022 quarter about Stuart's
21 syllabus?

22 ATTORNEY HOSP: Object to the form.

23 You can answer.

24 A. So in fall 2022, I believe that actually
25 Stuart took time in class to explain the -- like, you

1 know, to explain his perspective on the whole
2 situation. He actually posted the video online.
3 Someone pointed it at me. That's how, that's how I
4 know. And I did not receive any complaints, so I did
5 not take any action.

6 Q. And did you receive any complaints about the
7 land acknowledgment statement in Stuart's syllabus
8 after fall 2022?

9 A. I did not receive any complaints, so I did
10 not take any action.

11 Q. But while -- going back to -- strike that.
12 And since fall 2022, are you aware of any
13 disruption in Stuart's classroom related to a land
14 acknowledgment statement?

15 ATTORNEY HOSP: Object to the form.
16 You can answer.

17 A. I'm not aware of disruptions.

18 Q. And there haven't been any disruptions in
19 Stuart's class relating to his land acknowledgment
20 statement; right?

21 ATTORNEY HOSP: Object to the form.

22 A. I mean, when?

23 Q. Since, at least since fall 2022, there
24 haven't been any disruptions to Stuart's -- in
25 Stuart's class?

1 ATTORNEY HOSP: Same objection. Asked and
2 answered.

3 A. Right. So in fall 20- -- again, there's
4 context; right? We notified students that a process
5 was in progress. Of course students all talk to each
6 other. Teaching assistants are one group of students,
7 so there's definitely awareness. Stuart took the time
8 to explain what he was doing, and I have not -- I'm
9 not aware of any disruptions, and I have not taken any
10 action.

11 Q. Stuart explained why he was filing a lawsuit,
12 believing that he had a first amendment right to
13 include the statement in his syllabus. Students
14 didn't -- did any student respond during the class?

15 A. I was not in class, so I don't know.

16 Q. Well, you said you watched the video; right?

17 A. I only saw those first minutes when he was
18 talking.

19 Q. So he talked about the land acknowledgment
20 statement and his lawsuit for just a few minutes?

21 A. I forget how many minutes. The video is
22 online.

23 Q. And you just watched those few minutes?

24 A. That's right.

25 Q. Okay. In April, Dean Allbritton sent a

1 ATTORNEY DIAZ: 103.

2 Q. So as a part of Stuart -- after your
3 March 2nd letter -- strike that. I'll pause for a
4 second. I need that.

5 I think earlier you said that Stuart, or
6 that Dean Allbritton had sent Stuart a letter
7 notifying him that she was forming a committee to
8 investigate allegations against him; right?

9 A. I mean, I believe that is the step in the
10 faculty code. I believe such letter should have been
11 sent.

12 Q. And does it sound right that that was in late
13 April?

14 ATTORNEY HOSP: Object to the form.

15 A. It should have -- I expect there should have
16 been something in the spring, yes.

17 Q. Do you remember in June of 2022 there was a
18 merit pay increase given to faculty?

19 A. The merit pay increase is actually in the
20 September -- takes place in September 1st.

21 Q. Okay. Do you remember in June receiving
22 notification that there was going to be a merit pay
23 increase?

24 A. That's correct, yes.

25 (Exhibit 26 marked.)

1 Q. Do you have in front of you Exhibit 26?

2 A. I see it.

3 Q. And what is, looking at the first page of
4 Exhibit 26, labeled Bates-stamped "UW_Reges_0004324,"
5 what is this -- what is Exhibit 26?

6 A. This looks like a email printout from an
7 email from Nancy Allbritton to the engineering chairs
8 and engineering administrators.

9 Q. Are you on either of those listservs?

10 A. Yes. I'm on the engineering chairs listserv.

11 Q. So you received this email?

12 A. I should have received this email, yes.

13 Q. Do you remember receiving the email?

14 A. I don't remember receiving this email,
15 specifically, but I remember that there was a merit
16 increase last summer.

17 Q. And going to the middle of the page, do you
18 see where it says -- there's a bullet, and it says,
19 "For any faculty cases that fall under Faculty Code
20 Section 25-71, please be sure to touch base with
21 Aileen Trilles" -- gives her email address -- "to
22 confirm whether or not a faculty member is deemed
23 nonmeritorious or whether their merit should be held
24 in abeyance."

25 A. I see that.